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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,807	08/02/2001	Akihiko Nagata	Q65684	4297

7590 08/27/2003
SUGHRUE, MION, ZINN,
MACPEAK & SEAS, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037

EXAMINER

MENDOZA, ROBERT J

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 08/27/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/919,807

Applicant(s)

NAGATA ET AL.

Examiner

Robert J Mendoza

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/27/01.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 17, 19 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Miles et al (USPN 6,102,406).

Regarding claims 1-3, 17 and 23, Miles discloses, in FIG. 3, col. 4:37-47 and col. 9:5-17, a game mastery support apparatus which supports mastery of an executable multi-step game, the game mastery support apparatus comprising a distribution device that distributes mastery *information* for mastering a game to a terminal apparatus having a game execution function for executing the executable multi-step game, wherein the distribution device distributes the mastery information according to mastery status information, which is obtained from the terminal apparatus and indicates a stage among said multiple stages of the executable multi-step game to which a player has proceeded. Miles discloses, in col. 15:40-47, the mastery status information from the terminal apparatus includes flag information indicating a stage of the game to which the player has proceeded. Miles illustrates, in FIG. 3, a terminal apparatus, which receives information distributed by a game mastery support apparatus for supporting mastery of a game, and which has a game execution function, the terminal apparatus comprising a display screen,

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and a processing section that receives, from the game mastery support apparatus, distributed mastery information for mastering a game, and which displays the mastery information on the display screen.

Regarding claim 19, the Miles disclose, in FIG. 3:24 and col. 9:3-17, two separate terminal apparatuses that exhibit different functions. The first terminal apparatus sends, to the game mastery support apparatus, mastery status information representing a game stage to be mastered. The second terminal apparatus receives information distributed by the game mastery support apparatus, and which is specified as destination of the mastery information. The second terminal apparatus, illustrating identical structure as the first portable device, includes a display screen and a processing section that receives, from the mastery support apparatus, the mastery information for mastering the game, and displaying the mastery information on the display screen.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-12, 18, 20, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miles in view of Lee (USPN 6,475,089)

The disclosure of Miles has been discussed above is, therefore, incorporated herein. Miles also discloses distributing rarity added value information from the game mastery support apparatus to the portable device. Miles also discloses, in FIG. 2D-2E, storing user information

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items. However, Miles lacks in disclosing a ranking information distribution device that includes an accumulator that accumulates information from players, a determining device that determines a rank of a player with reference to the accumulated information and a distributor that distributes ranking information pertaining to the determined rank. Lee, in an analogous game system, teaches a modem processing circuit comprising memory for keeping personal information of the players, system patches, and results of previous games (col. 7:24-26). Furthermore, Lee teaches, in col. 1:39-41 & col. 10:56-59, an arithmetic processing unit that determines a prescribed period of time, and implements processing for determining the ranking of the players within such period of time, laying more emphasis on the latest data. After the game results are transmitted back to the host computer the host computer transmits information on grades, ranking, etc. to each player. Therefore, it would have been to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Lee into the disclosed invention of Miles. One would be motivated to combine the teachings of Lee with the disclosure of Miles in order to heighten the security of the game system by maintaining detailed records of all players currently engaged in the system, and rewarding players on their performances by providing a list that illustrates a player's skill and ability levels relative to other players, and increase the excitement of the game.

Claims 13-16, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miles et al. in view of Lee in further view of Sporgis (6,320,495).

The disclosures of Miles and Lee have been discussed above is, therefore, incorporated herein.

Miles lacks in disclosing the terminal apparatus is a portable device. Sporgis teaches, in FIG.1 and col. 3:1-2, each player is equipped with a mobile wireless communication device in communication with a game master computer system. Therefore, it would have been obvious to

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one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Sporgis into the disclosed invention of Miles. One would be motivated to combine the teachings of Sporgis with the disclosure of Miles in order to, facilitate game players in accessing the computer game from various locations and increase the overall excitement of the game.

Response to Arguments

Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to game mastery systems:


USPN 5,942,969 Wicks discloses a game mastery system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Mendoza whose telephone number is (703) 305-7345. The examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg, can be reached at (703) 308-1327.

RM

RM
August 19, 2003


Teresa Walberg
Supervisory Patent Examiner
Group 3700